

BERNARD S. LEVI,	:	CIVIL NO. 1:CV-09-0193
	:	
Petitioner	:	(Judge Rambo)
	:	
v.	:	(Magistrate Judge Blewitt)
	:	
WARDEN DAVID EBBERT,	:	
	:	
Respondent	:	

Before the court is a report of the magistrate judge in which he recommends that Petitioner's petition for writ of habeas corpus be denied as to Petitioner's claims relating to conditions of confinement, his custody classification scoring, and his eligibility for a federal camp or a low security prison as these are not core habeas claims and are not cognizable in a habeas petition brought under 28 U.S.C. § 2241. The magistrate judge also recommended that Petitioner's claim of a due process violation regarding his public safety factor calculation be dismissed.

Petitioner insists that his claims do state a habeas action and cites *Woodall v. Federal Bureau of Prisons*, 432 F.3d 235 (3d Cir. 2005); *Meachum v. Fano*, 427 U.S. 215 (1976); *Diaz v. Olsen*, 110 F. Supp.2d 295 (D.N.J. 2000); and *Nwanze v. Hahn*, 97 F. Supp.2d 665 (W.D. Pa. 2000). These cases do not support Petitioner's claims.

Petitioner challenges the decision to retain him in a medium security facility rather than in a federal prison camp or low security facility. He does not seek the type of transfer contemplated by *Woodall* and *Nwanze*, i.e. a residential re-entry center or half-way house.

To the extent he now tries to do so in his objections to the report and recommendation, such an effort is improper pursuant to Middle District Local Rule 72.3. This was not a claim raised by Petitioner in his original petition nor addressed by the magistrate judge.

For the reasons set forth in the report and recommendation of Magistrate Judge Blewitt and in Respondent's brief in opposition to the objections to the report and recommendation, the petition will be dismissed. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: July 20, 2009.

Dated: July 20, 2009.